



ALAN WILSON
ATTORNEY GENERAL

June 5, 2020

Mr. James M. Griffin
Griffin Davis
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Re: United States of America v. Stephen Andrew Byrne
Plea Agreement - South Carolina Position

Dear Mr. Griffin:

This is to acknowledge receipt of a request and email on June 2, 2020 clarifying South Carolina's position on the May 21, 2020 Plea Agreement and the significance of my signature on behalf of the South Carolina Attorney Generals' Office as the Criminal Division Deputy Attorney General and a Special Assistant United States Attorney. I was initially surprised by your call because both before and after the signing of the agreement, we had been told that Mr. Byrne's defense team had previously been advised by the U.S. Attorney's Office that South Carolina would not seek a criminal sanction if, and only if, the proffered plea agreement was entered and all the agreement conditions, including cooperation and truthful testimony in grand juries had been met. See Agreement, Para. 4, 5, 11. It is our understanding that the conditions of Mr. Byrne's agreement will require that, upon our request, he will appear before the State Grand Jury of the State of South Carolina and in any criminal proceedings in state courts of the State of South Carolina, to testify truthfully concerning matters related to SCANA and the V. C. Summer Nuclear Project.

With that understanding, the South Carolina Attorney General hereby acknowledges and represents that by signing the May 21, 2020 plea agreement with Defendant Stephen Byrne the State of South Carolina agrees to be bound by the terms of the agreement and that Defendant Byrne will not be prosecuted by the State of South Carolina based on conduct related to the V. C. Summer project, provided he complies with the terms of the agreement.

If further addendum needs to be made pursuant to paragraph 11 of the agreement, please advise.

Sincerely,

Donald J. Zelenka
Deputy Attorney General

cc: Jim May, Assistant United States Attorney (email)
Jeff Young, Chief Deputy Attorney General (email)